

# EXHIBIT 9

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571-272-7822

Paper: 63  
Entered: June 30, 2023

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MICRON TECHNOLOGY, INC., MICRON SEMICONDUCTOR  
PRODUCTS, INC., MICRON TECHNOLOGY TEXAS LLC, SAMSUNG  
ELECTRONICS CO., LTD.,<sup>1</sup>  
Petitioner,

v.

NETLIST, INC.,  
Patent Owner.

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IPR2022-00615  
Patent 7,619,912 B2

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Before JON M. JURGOVAN, DANIEL R. GALLIGAN, and  
KARA L. SZPONDOWSKI, *Administrative Patent Judges*.

JURGOVAN, *Administrative Patent Judge*.

ORDER

Adjusting One-Year Pendency Due to Joinder  
*35 U.S.C. § 316(a)(11); 37 C.F.R. § 42.100(c)*  
Modifying Due Dates in Scheduling Order  
*37 C.F.R. § 42.5*

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<sup>1</sup> Micron Technology, Inc., Micron Semiconductor Products, Inc., and Micron Technology Texas LLC filed a motion for joinder and a petition in IPR2023-00203 and have been joined as petitioners in this proceeding.

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On October 19, 2022, *inter partes* review was instituted in this proceeding. Paper 20, 59. The Director stayed this proceeding on January 5, 2023 (Paper 38, 2) pending her Decision on Director Review (Paper 40). In her Decision, the Director authorized additional discovery on the issue of whether Google was an unnamed real party-in-interest such that this proceeding would be time-barred under § 315(b). Paper 40, 11. She also lifted the stay for the limited purpose of the ordered discovery and briefing, and remanded to the Board to decide the real party-in-interest issue. *Id.* We determined that this proceeding is not time-barred under § 315(b). Paper 61. Accordingly, the Director's stay in this proceeding is automatically lifted (Paper 40, 10) and the proceeding will continue as it would have before the stay.

On June 7, 2023, we joined to this proceeding Micron Technology, Inc., Micron Semiconductor Products, Inc., and Micron Technology Texas LLC. Paper 58. Pursuant to 35 U.S.C. § 316(a)(11), “the final determination in an *inter partes* review [shall] be issued not later than 1 year after the date on which the Director notices the institution of a review under this chapter, except that the Director . . . may adjust the time periods in this paragraph in the case of joinder under section 315(c).” The Director has delegated this authority to adjust the one-year period in the case of joinder to the Board. *See* 37 C.F.R. § 42.100(c). In particular, 37 C.F.R. § 42.100(c) provides as follows:

An *inter partes* review proceeding shall be administered such that pendency before the Board after institution is normally no more than one year. The time can be . . . adjusted by the Board in the case of joinder.

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In accordance with 37 C.F.R. § 42.100(c), we adjust the time of pendency before the Board in the present proceeding, which involves joinder. The Board shall issue a Final Written Decision in this proceeding no later than April 19, 2023.

In addition, due to the lifting of the stay, we hereby modify the due dates for actions in the original Scheduling Order (Paper 22) as reflected in the attached modified Due Date Appendix. *See* 37 C.F.R. § 42.5.

It is

ORDERED that the time of pendency in this proceeding, which involves joinder, is adjusted; and

FURTHER ORDERED that the Board shall issue a Final Written Decision in this proceeding no later than April 19, 2023.

FURTHER ORDERED that the Due Dates for this proceeding are as set forth in the attached modified Due Date Appendix.

FURTHER ORDERED that, in all other respects, the provisions of the original Scheduling Order still apply to this proceeding.

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DUE DATE APPENDIX (modified)

DUE DATE 1 ..... August 3, 2023

Patent Owner's response to the petition

Patent Owner's motion to amend the patent

DUE DATE 2 ..... October 19, 2023

Petitioner's reply to Patent Owner's response to petition

Petitioner's opposition to motion to amend

DUE DATE 3 ..... November 30, 2023

Patent Owner's sur-reply to reply

Patent Owner's reply to opposition to motion to amend  
(or Patent Owner's revised motion to amend)<sup>2</sup>

DUE DATE 4 ..... December 14, 2023

Request for oral argument (may not be extended by stipulation)

DUE DATE 5 ..... January 4, 2024

Petitioner's sur-reply to reply to opposition to motion to amend

Motion to exclude evidence

DUE DATE 6 ..... January 11, 2024

Opposition to motion to exclude

Request for prehearing conference

DUE DATE 7 ..... January 18, 2024

Reply to opposition to motion to exclude

DUE DATE 8 ..... January 31, 2024

Oral argument (if requested)

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<sup>2</sup> If Patent Owner files neither a reply to Petitioner's opposition to the MTA nor a revised MTA, the parties are directed to Section B(3) in the original Scheduling Order (Paper 22).

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